

## COMMONWEALTH OF MASSACHUSETTS

## LAND COURT

## DEPARTMENT OF THE TRIAL COURT

## DOCKET

CASE TYPE: Miscellaneous

CASE NO.: Misc. 294558

LAND IN: City Of Peabody

DATE FILED: November 26, 2003

CASE SUB TYPE: COT - Complaint to Remove Cloud on Title, Chapter 240, Sec. 6

RECEIVED  
U.S. ATTORNEY  
04 MAR -1 PM 4:11

ON: 256 Lynnfield Street

|  |  |
|--|--|
| <b>PLAINTIFF(S):</b><br>FAIRBANKS CAPITAL CORP, formerly known as THE FIRST NATIONAL BANK OF CHICAGO AS TRUSTEE UNDER THE POOLING AND SERVICE.   | <b>DEFENDANT(S):</b><br>JAMES MORIN.<br><br>NANCY MORIN.<br><br>THERESA MORIN.<br><br>UNITED STATES OF AMERICA.<br><br>VERIZON YELLOW PAGES COMPANY, formerly known as BELL ATLANTIC YELLOW PAGES CO.. |
| <b>PLAINTIFFS' ATTORNEY(S):</b><br>1 11/26/2003 VERONICA CABALLERO-VIVEIROS, Esq.<br>HARMON LAW OFFICES, PC<br>P.o. Box 610389<br>Newton Highlands, MA 02161-0389<br>(617) 558-0500<br>appears for FAIRBANKS CAPITAL CORP, formerly known as THE FIRST NATIONAL BANK OF CHICAGO AS TRUSTEE UNDER THE POOLING AND SERVICE | <b>DEFENDANTS' ATTORNEY(S):</b>  |
| 2 11/26/2003 DAVID ROSEN, Esq.<br>HARMON LAW OFFICE<br>P.o. Box 610389<br>Newton, MA 02458<br>(617) 558-0500<br>appears for FAIRBANKS CAPITAL CORP, formerly known as THE FIRST NATIONAL BANK OF CHICAGO AS TRUSTEE UNDER THE POOLING AND SERVICE  |  |

| # | Code | Entry  | Date       |
|---|------|--|------------|
| 1 | CF   | Complaint to Remove Cloud on Title, Chapter 240, Sec. 6 filed  | 11/26/2003 |
| 2 | SRS  | Summons returned to court with service on James A. Morin filed | 01/07/2004 |
| 3 | SRS  | Summons returned to court with service on Theresa Morin filed  | 01/07/2004 |

| # | Code | Entry  | Date       |
|---|------|--|------------|
| 4 | SRS  | Summons returned to court with service on Nancy Morin filed  | 01/07/2004 |
| 5 | MISC | Notice of Filing of Notice of Removal to the United States District Court for the District of Massachusetts, filed | 01/28/2004 |

Page Two (2) of Two (2) Pages

I HEREBY ATTEST AND CERTIFY ON  
February 25, 2004 THAT THE  
 FOREGOING DOCUMENT IS A FULL  
 TRUE AND CORRECT COPY OF THE  
 ORIGINAL ON FILE IN MY OFFICE  
 AND IN MY LEGAL CUSTODY.

ANN-MARIE J. BREUER  
 DEPUTY RECORDER  
 LAND COURT

BY M. A. Lane, Asst. Clk.

COMMONWEALTH OF MASSACHUSETTS  
LAND COURT  
DEPARTMENT OF THE TRIAL COURT

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U.S. DISTRICT COURT

FEB 5 2 12 PM '04

SUFFOLK, ss.

FAIRBANKS CAPITAL CORP., as )  
SERVICER FOR BANK ONE, N.A. f/k/a )  
THE FIRST NATIONAL BANK OF CHICAGO, )  
as TRUSTEE UNDER THE POOLING AND )  
SERVICING AGREEMENT DATED AS OF )  
SEPTEMBER 1, 1998, SERIES 1998-B, )

Plaintiff, )

v. )

JAMES MORIN, NANCY MORIN, )  
THERESA MORIN, UNITED STATES OF )  
AMERICA, and VERIZON YELLOW PAGES )  
COMPANY f/k/a BELL ATLANTIC YELLOW )  
PAGES CO. f/k/a NYNEX INFOR., )

Defendants. )

*Q8*  
No. 294558  
Suffolk County Land Court

NOTICE OF FILING OF NOTICE OF REMOVAL

PLEASE TAKE NOTICE that, on January 23, 2004, a Notice of Removal of the above-titled action was filed with the Clerk of the United States District Court for the District of Massachusetts. The new civil action number is 04-CV-10146-MLW. The Notice was filed by the United States of America.

PLEASE TAKE FURTHER NOTICE that, as provided by 28 U.S.C. § 1446(d), the Suffolk County Land Court "shall proceed no further unless and until the case is remanded."

A copy of the Notice of Removal, without attachments, is annexed to this Notice. This Notice is furnished and shall be filed as provided by 28 U.S.C. § 1446(d).

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

BARBARA HEALY SMITH  
Assistant United States Attorney

A handwritten signature in black ink, appearing to read "Lydia D. Bottome", is written over a horizontal line.

LYDIA D. BOTTOME  
Trial Attorney, Tax Division  
U.S. Department of Justice  
Post Office Box 55  
Ben Franklin Station  
Washington, D.C. 20044  
Telephone: (202) 307-6560

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U.S. ATTORNEY

03 DEC 29 PM 2:55

**HARMON LAW OFFICES, P.C.**150 CALIFORNIA STREET  
NEWTON, MASSACHUSETTS 02458

## MAILING ADDRESS:

P.O. BOX 610389  
NEWTON HIGHLANDS, MA 02461-0389

TEL (617) 558-8400

FAX (617) 244-7304

*SERVING MASSACHUSETTS, NEW HAMPSHIRE AND RHODE ISLAND*VERONICA C. VIVEIROS  
(617) 558-8481 direct dial  
(617) 244-7304 facsimile  
vviveiros@harmonlaw.com

December 22, 2003

**CERTIFIED MAIL 7106 3901 9848 0873 5764**  
**RETURN RECEIPT REQUESTED**United States Attorney  
United States Courthouse  
1 Courthouse Way, Suite 9200  
Boston, MA 02210Re: Fairbanks Capital Corp. v. James Morin, et al.  
Land Court Docket No. 294558

Dear Sir/Madam:

Pursuant to 28 U.S.C. 2410(b), I am enclosing a copy of the Summons and Verified Complaint to Reform Mortgage, Motion for Ex Parte Approval of Memorandum of Lis Pendens, Memorandum of Lis Pendens, and Findings on Application for Ex Parte Memorandum of Lis Pendens for United States of America.

Thank you for your attention to this matter.

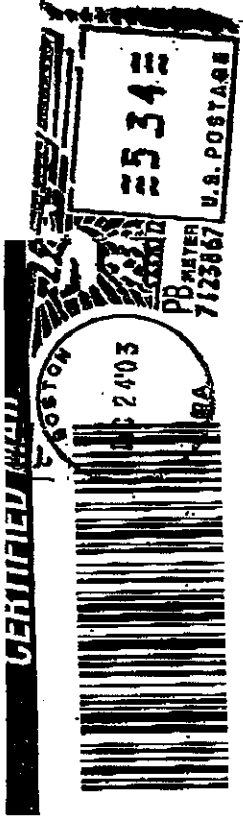
Sincerely yours,

HARMON LAW OFFICES, P.C.

Veronica C. Viveiros  
VCV/kt

RECEIVED  
U.S. ATTORNEY

03 DEC 29 PM 1:22



7160 3702 9348 0573 5754

RETURN RECEIPT REQUESTED

**HARMON LAW OFFICES, P.C.**

P.O. Box 610389

NEWTON HIGHLANDS, MASSACHUSETTS 02461-0389

United States Attorney  
United States Courthouse  
1 Courthouse Way, Suite 9200  
Boston, MA 02210

SCREENED  
USMS

**COMMONWEALTH OF MASSACHUSETTS  
LAND COURT  
DEPARTMENT OF THE TRIAL COURT**

**CIVIL ACTION**

NO. 294558

Fairbanks Capital Corp., as Servicer for Bank One, N.A.  
f/k/a The First National Bank of Chicago, as Trustee, Plaintiff(s)  
under the Pooling and Servicing Agreement dated as of  
September 1, 1998, Series 1998-B

v.

James Morin, Nancy Morin, Theresa Morin, United States  
of America, and Verizon Yellow Pages Company f/k/a, Defendant(s)  
Bell Atlantic Yellow Pages Co. f/k/a Nynex Infor.

**SUMMONS**

To the above-named Defendant: United States of America, Special Procedures, P.O. Box 9112,  
Stop 20800, J.F.K. Post Office, Boston, MA 02031  
You are hereby summoned and required to serve upon Veronica C. Viveiros, Esq.,  
Harmon Law Offices, P.C.

Plaintiff's attorney, whose address is PO Box 610389, Newton Highlands, MA 02461-<sup>0389</sup>, an answer  
to the complaint which is herewith served upon you, within 20\* days after service of this summons upon  
you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for  
the relief demanded in the complaint. You are also required to file your answer to the complaint in the  
office of the Recorder of this court at Boston either before service upon plaintiff's attorney or within a  
reasonable time thereafter.

Unless otherwise provided by Rule 13(a) your answer must state as a counterclaim any claim  
which you may have against the plaintiff which arises out the transaction or occurrence that is the subject  
matter of the plaintiff's claim or you will therefore be barred from making such claim in any other action.

Witness, KARYN F. SCHEIER, Chief Justice, at Boston, the 10th day of

December, 20 03.

  
Deputy Recorder

**NOTES**

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.
3. TO PLAINTIFF'S ATTORNEY: PLEASE CIRCLE TYPE OF ACTION INVOLVED  
(1) EQUITY — (2) OTHER
4. \*If the Commonwealth or an officer of agency thereof is a defendant, the time to be inserted is 60 days.